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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,335	02/06/2004	Robert Donovan	PTG 02-83-5	5268

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THE BLACK & DECKER CORPORATION
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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,335	Applicant(s) DONOVAN ET AL.	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) 23, 24, 37, 38 and 43-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-16, 22, 25-30, 36 and 39 is/are rejected.
- 7) ☒ Claim(s) 6-10, 17-21 and 31-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-5, 11-16, 22, 25-30, 36, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,557,447).

Lee discloses all the recited elements of the invention including a tension spring assembly (e.g., Figure 3), a cam assembly (e.g., Figure 4), a cover assembly (e.g., Figure 4) including a handle (e.g., 36) adjustably coupled with the cam assembly (e.g., at 33), and an index indicator (80). Regarding claims 3, 13, 26-27, a tension spring (e.g., 70), a fine adjustment assembly (e.g., 60/61), and a plunger (e.g., 40). Regarding claims 4-5, 14-16, and 28-30, the cam assembly comprising a cam (e.g., 30) including a cam actuation member (e.g., 34, 35) and a pin (e.g., 33), and a cam actuator (e.g., 32). Regarding claims 11 and 36, a securing assembly (e.g., Figure 4, unlabeled). Regarding claims 25 and 39, a standard blade tensioning device (e.g., Figures 1-2). In addition, Lee discloses a band saw comprising a lower band wheel (e.g., 16) operatively engaged with a motor (e.g., 15), a lower band wheel (e.g., 17), a band saw blade (e.g., 18), and a sliding tension bracket (e.g., 20).

Allowable Subject Matter

2. Claims 6-10, 17-21, and 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed October 09, 2008 have been fully considered but they are not persuasive.

Applicants contend that the Office Action failed to specifically cite the elements in the Lee reference which correspond to the elements recited in the pending claims.

Applicants argue that the device of the Lee reference does not include a cover assembly as claimed and the Office Action does not include how Lee's device applies "a force to the tension spring assembly" or "the cover assembly adjustably coupled with the cam assembly". Applicants further contend that Lee does not disclose a cam assembly for applying a force to a tension spring assembly since the spring 70 is not physically/mechanically coupled to the eccentric wheel 30.

The examiner respectfully disagrees. As set forth above, the examiner clearly provided the corresponding elements in the Lee reference to the elements of the pending claims. For example, the tension spring assembly comprising a tension spring (e.g., 70), a fine adjustments assembly (e.g., 60/61), and a plunger (e.g., 40) as recited in claims 1, 3, 12, 13, and 26-27, a cam assembly comprising a cam (e.g., 30) including a cam actuation member (e.g., 34, 35) and a pin (e.g., 33), and a cam actuator (e.g., 32) as recited in claims 1, 4-5, 12, 14-16, 26, and 28-30. Furthermore, Lee does teach the cover assembly including the handle (e.g., 36) that can be selectively engaging with the cam assembly via the element 33 as claimed. Moreover, as set forth in the previous office action, Lee teaches the cam assembly coupled to the sliding tension bracket (e.g., 20) which includes a stop plate (e.g., 25) which is operationally coupled to the plunger

(e.g., 40) which is operationally coupled to the tension spring (e.g., 70). The cam (e.g., 30) is pivoted with the plunger (e.g., 40) and the tension spring (e.g., 70) urges the underside of the plunger (e.g., 40). Hence, Lee does teach the cam assembly applying a force to the tension spring assembly.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Choi/
Primary Examiner, Art Unit 3724
4 January 2009